

**191—76.9(514J) Certification of independent review entity.**

**76.9(1)** The following minimum standards are required for certification as an independent review entity:

- a.* The individual must hold a current unrestricted license to practice a health care profession in the United States.
- b.* A health care professional who is a medical physician shall also hold a certification by a recognized American medical specialty board.
- c.* A health care professional who is not a medical physician shall also hold a current certification by the professional's respective licensing or specialty board if applicable.
- d.* The applicant must attest that reviewers have no history of disciplinary actions or sanctions including, but not limited to, the loss of staff privileges or any participation restriction taken or pending by any hospital or state or federal government regulatory agency for wrongdoing by the health care professional.
- e.* The applicant shall provide a description of the qualifications of the reviewers retained to conduct external reviews of coverage decisions including the reviewers' current and past employment histories and practice affiliations.
- f.* The applicant shall provide a description of the procedures employed to ensure that reviewers conducting external reviews are appropriately licensed, registered or certified; trained in the principles, procedures and standards of the independent review entity; and knowledgeable about the health care service which is the subject of the external review.
- g.* The applicant shall provide a description of the methods of recruiting and selecting impartial reviewers and matching such reviewers to specific cases.
- h.* The applicant shall provide the number of reviewers retained by the independent review entity and a description of the areas of expertise available from such reviewers and the types of cases such reviewers are qualified to review.
- i.* The applicant shall provide a description of the policies and procedures employed to protect confidentiality of individual medical and treatment records in accordance with applicable state and federal law.
- j.* The applicant shall provide a description of the quality assurance program established by the independent review entity.
- k.* The applicant shall provide the names of all corporations and organizations owned or controlled by the independent review entity or which own or control the applicant, and the nature and extent of any such ownership or control.
- l.* The applicant shall provide the names and résumés of all directors, officers, and executives of the independent review entity.
- m.* The applicant shall provide a description of the fees to be charged by the review entity for external reviews.
- n.* The applicant shall provide the name of the medical director or health professional director responsible for the supervision and oversight of the independent review procedure.

**76.9(2)** The independent review entity shall develop written policies and procedures governing all aspects of the external review process including, at a minimum, the following:

- a.* Procedures to ensure that external reviews are conducted within the time frames specified in this chapter and Iowa Code chapter 514J and that any required notices are provided in a timely manner.
- b.* Procedures to ensure the selection of qualified and impartial reviewers. The reviewers shall be qualified to render impartial determinations relating to the health care service which is the subject of the coverage decision under external review. The reviewers shall be experts in the treatment of the medical condition under review.
- c.* Procedures to ensure that the enrollee, or the enrollee's treating health care provider acting on behalf of the enrollee, is notified in writing of the enrollee's right to object to the independent review entity selected by the carrier or organized delivery system or the person selected as the reviewer by the independent review entity by notifying the commissioner at the Insurance Division, 330 Maple Street, Des Moines, Iowa 50319, within ten days of the mailing of the notice by the independent review entity.

*d.* Procedures to ensure the confidentiality of medical and health treatment records and review materials.

*e.* Procedures to ensure adherence to the requirements of this chapter and Iowa Code chapter 514J by any contractor, subcontractor, subvendor, agent or employee affiliated with the certified independent review entity.

**76.9(3)** The independent review entity shall establish a quality assurance program. The program shall include a written description to be provided to all individuals involved in the program, the organizational arrangements, and the ongoing procedures for the identification, evaluation, resolution and follow-up of potential and actual problems in external reviews performed by the independent review entity and procedures to ensure the maintenance of program standards pursuant to this requirement.

**76.9(4)** The independent review entity shall establish a toll-free telephone service to receive information relating to external reviews pursuant to this chapter and Iowa Code chapter 514J. The system shall include a procedure to ensure the capability of accepting, recording, or providing instruction to incoming telephone calls during other than normal business hours. The independent review entity shall also establish a facsimile and electronic mail service.

**76.9(5)** No independent review entity, officer, director, employee, or reviewer employed or engaged to conduct external reviews shall have any material professional affiliation or material financial affiliation with a health plan for which it is conducting a review.

**76.9(6)** The independent review entity shall provide the commissioner such data, information, and reports as the commissioner determines necessary to evaluate the external review process established under Iowa Code chapter 514J.

**76.9(7)** Applications shall be submitted in duplicate to the Commissioner of Insurance, 330 Maple Street, Des Moines, Iowa 50319. Applications must be submitted in full to be considered. All applicants will be notified of the certification decision. A list of certified independent review entities shall be maintained at the division of insurance and shall be available through the division's Web site.